

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE:	X	
PIONEER CARRIERS, LLC,	X	NO. 16-36356-H4-11
Debtor	X	Chapter 11
	X	
COMMERCIAL CREDIT GROUP INC.,	X	
Movant	X	
VS.	X	
PIONEER CARRIERS, LLC,	X	
Respondent	X	

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**MOTION OF COMMERCIAL CREDIT GROUP INC.  
FOR RELIEF FROM THE AUTOMATIC STAY  
AS TO FIVE MACK TRUCKS, TWO FREIGHTLINER TRUCKS,  
AND TWENTY CRUDE OIL TANK TRAILERS**

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TO THE DEBTOR AND ALL PARTIES IN INTEREST:

This is a motion for relief from the automatic stay. If it is granted, the movant may act outside of the bankruptcy process. If you do not want the stay lifted, immediately contact the moving party to settle. If you cannot settle, you must file a response and send a copy to the moving party at least 7 days before the hearing. If you cannot settle, you must attend the hearing. Evidence may be offered at the hearing and the court may rule.

Represented parties should act through their attorney.

There will be a preliminary hearing on this matter on February 28, 2017 at 9:30 a.m. in Courtroom 600, 6th Floor, 515 Rusk Avenue, Houston, Texas 77002.

TO THE HONORABLE JEFF BOHM UNITED STATES BANKRUPTCY JUDGE:

Comes now Commercial Credit Group Inc. ("Commercial Credit"), a creditor and party in interest, and moves the Court for relief from the automatic stay of Section 362 of the Bankruptcy Code as to five Mack trucks, two Freightliner trucks, and twenty crude oil tank trailers, and as grounds therefor respectfully represents:

### **Jurisdiction**

1. On December 12, 2016, Pioneer Carriers, LLC (the "Debtor") filed a voluntary petition for relief under Chapter 11 with this Court and continues as a debtor in possession at this time.

2. The Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1334 and § 157.

This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G).

### **Background Facts**

3. Commercial Credit financed the Debtor's purchase of, and holds a perfected security interest in, certain five Mack trucks, two Freightliner trucks, and twenty-one oil tank trailers described as follows (the "Equipment Collateral"):

2014 Heil 8400 Gallon Aluminum double Conical DOT 407 Crude Oil Tank Trailer VIN 5HTDL4429E5G27249  
2014 Heil 8400 Gallon Aluminum double Conical DOT 407 Crude Oil Tank Trailer VIN 5HTDL4425E5G27250  
2014 Heil 8400 Gallon Aluminum double Conical DOT 407 Crude Oil Tank Trailer VIN 5HTDL4427E5G27251  
2014 Heil 8400 Gallon Aluminum double Conical DOT 407 Crude Oil Tank Trailer VIN 5HTDL4429E5G27252  
2015 Heil 8400 Gallon Aluminum double Conical DOT 407 Crude Oil Tank Trailer VIN 3H4DL4421F3G46690  
2012 Mack CHU613 Tractor VIN 1M1AN07Y7CM009955  
2012 Mack CHU613 Tractor VIN 1M1AN07Y5CM010134  
2012 Mack CHU613 Tractor VIN 1M1AN07Y3CM010777  
2012 Mack CHU613 Tractor VIN 1M1AN07Y1CM010776  
2012 Mack CHU613 Tractor VIN 1M1AN07YXCM010274  
2012 Brenner Aluminum 8820 Gallon Double Tank Trailer VIN 10BFA8232CF0C6898  
2013 Brenner Aluminum 8820 Gallon Double Tank Trailer VIN 10BFA823XDF0C7623  
2013 Brenner Aluminum 8820 Gallon Double Tank Trailer VIN 10BFA8231DF9C7624  
2013 Tytal Aluminum 8400 Gallon Double Tank Trailer VIN 3T1LIT625DC000196  
2013 Tytal Aluminum 8400 Gallon Double Tank Trailer VIN 3T1LIT627DC000197  
2013 Tytal Aluminum 8400 Gallon Double Tank Trailer VIN 3T1LIT629DC000198  
2012 Elk Aluminum 8400 Gallon Double Tank Trailer VIN 3T9NT3522C1026010  
2012 Elk Aluminum 8400 Gallon Double Tank Trailer VIN 3T9NT3522C1026012  
1991 Heil Aluminum 8400 Gallon Double Tank Trailer VIN 1HDL1A7BXM7G55944  
1991 Heil Aluminum 8400 Gallon Double Tank Trailer VIN 1HDL1A7B6M7G55813  
2015 Freightliner CC132064T Coronado 70" Sleeper with Detroit Engine VIN 3ALXFB002FDGJ6993  
2015 Freightliner CC132064T Coronado 70" Sleeper with Detroit Engine VIN 3ALXFB006FDGD1380  
2012 Polar 8400 Gallon Crude Tank Trailer VIN 1PMA34225C5009846  
2012 Polar 8400 Gallon Crude Tank Trailer VIN 1PMA34228C5009744

2012 Polar 8400 Gallon Crude Tank Trailer VIN 1PMA34223C5009747  
2009 Stephens DC4 Aluminum Tank Trailer VIN 1S9AB15B09H141115  
1989 Freuhauf 407 Aluminum Tank Trailer VIN 1H4D04227KL026503

5. These security interests secure indebtedness owed by the Debtor to Commercial Credit in the total amount of \$1,466,239.43, as of the date of the Debtor's petition.

6. Commercial Credit's rights are based upon the following documents executed by the Debtor, true copies of which are attached hereto.

Exhibit	Description
1	Negotiable Promissory Note 2-4-2015 for \$615,672.00
2	Security Agreement 2-4-2015 for 5 Heil crude oil tank trailers
3	Certificates of Title to 5 Heil crude oil tank trailers
4	UCC-1 Financing Statement 15-0003524121
5	Negotiable Promissory Note 9-8-2016 for \$799,665.00
6	Security Agreement 9-8-2016 for 5 Mack trucks and 10 crude oil tank trailers
7	Certificates of Title to 5 Mack trucks and 10 crude oil tank trailers
8	UCC-1 Financing Statement 16-0029588403
9	Negotiable Promissory Note 9-27-2016 for \$521,472.00
10	Security Agreement 9-27-2016 for 2 Freightliner trucks and 5 crude oil tank trailers
11	Certificates of Title to 2 Freightliner trucks and 5 crude oil tank trailers
12	UCC-1 Financing Statement 16-0032083598

### **Relief Requested**

7. The automatic stay should be lifted for lack of equity pursuant to Section 362(e)(2) of the Bankruptcy Code. The Debtor has no or negligible equity in the Equipment Collateral and the same are not necessary to an effective reorganization. The combined balance of the debts owed to Commercial Credit is the sum of \$1,466,239.43 as of the date of the Debtor's petition. Commercial Credit estimates that the Equipment Collateral have a reasonable market value of within only a few thousand dollars of the amount of the indebtedness, which it secures. Any

equity cushion will be quickly depleted by the Debtor's continued use and operation of the Equipment Collateral.

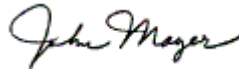
8. The automatic stay should be lifted for cause pursuant to Section 362(e)(1) of the Bankruptcy Code. The Debtor is continuing to use and operate the Equipment Collateral and the same are declining in value through use, wear and tear.

**Prayer**

Wherefore, premises considered Commercial Credit Group Inc. prays that the automatic stay of Section 362 of the Bankruptcy Code be lifted so that Commercial Credit Group Inc. may take possession of and foreclose its security interests in and exercise its rights with respect to the above described five Mack trucks, two Freightliner trucks, and twenty crude oil tank trailers.

Respectfully submitted,

ROSS, BANKS, MAY, CRON & CAVIN, P.C.

By: 

John Mayer

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Attorneys for Movant, Commercial Credit Group Inc.

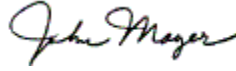
**CERTIFICATE OF CONFERENCE**

I certify that I conferred with the Debtor's attorney Reese Baker about adequate protection for Commercial Credit Equipment Group Inc. and we have not been able to reach agreement on the requested relief.

  
John Mayer

**CERTIFICATE OF SERVICE**

I certify that I served true copies of this motion, all attachments and the proposed order, upon the Debtor, the Debtor's attorney and other parties in interest by mailing same by regular United States Mail, to the persons whose names and addresses are set forth on the attached Mailing Matrix, on February 3, 2017, and electronically to all persons who have entered an appearance in this case by means of the Bankruptcy Court's CM/ECF System contemporaneously with filing of this motion.

A handwritten signature in black ink, appearing to read "John Mayer", is positioned above the printed name.

John Mayer